

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.1151 OF 2004
IN
FIRST APPEAL NO.84 OF 2004

.....
Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions
& Registrar's orders.
.....

Court's or
Judge's orders

.....
Mr.Madhav Jamdar for the Applicant

CORAM: A.S.OKA, J.
DATE : OCTOBER 1, 2007.

P.C.:

1. The learned Advocate for the applicant has tendered on record Affidavit of service along with the acknowledgement signed by the Respondent. The said affidavit is taken on record and marked 'X' for identification. The learned Advocate for the Applicant states that the Respondent has been duly served.

2. The learned Advocate for the Applicant has invited my attention to the impugned Judgment and Order date 16th October 2003. He pointed out that the Applicant and the Respondent are in joint possession of the suit premises. He pointed out that while disposing of the suit, the learned trial

Judge has recorded that the Applicant's sister will be entitled to 1/3rd share and the said Applicant's sister Kalpana is not a party to the suit.

3. Considering the nature of the impugned order, prayer (a) of the Application deserves to be granted. Prayer (b) also deserves to be granted in view of the averments made in the Application. Application is allowed in terms of prayer clauses (a) and (b).

JUDGE